

# TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

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May 23, 2008

TO: Internal File

THRU: James D. Smith, Permit Supervisor  
Steve Christensen, Team Lead *SKC*

FROM: Priscilla Burton, Senior Reclamation Specialist/ Soils *PWB by an*

RE: 4<sup>th</sup> East Coal Dust Baseline, Consolidation Coal Company, Emery Deep Mine,  
C/015/0015, Task ID #2954

## SUMMARY:

The 4<sup>th</sup> East Portal development is in Section 27, T. 22 S. R. 6 E. Salt Lake Meridian. Most of the bonded acreage is under surface ownership of Consol Energy, Inc (see Plates I-1). This issue was first raised by NOV 03-39-1-1, which abatement included updates to text and plates for the addition of 1.5 acres to the bonded area, and Appendix X.C-3 (the Norwest report, reviewed under Tasks #1692, #1762, #1819, and #1929. The commitment to objectively evaluate the success of the Phase 1 controls described in App. X.C-3 was written in Chap, X-C page 5b. This commitment required identification of the study transects in the field and inclusion of the transects in the MRP and monitoring of the transects regularly. The purpose of the monitoring was to determine objectively whether Phase I dust controls were successful or whether Phase II controls as described in App. X. C -3 would be implemented.

The Division recently noted that the Permittee has not monitored the transects regularly since their inception in 2004. Rather than issue a violation, the Division asked the Permittee to begin to monitor the transects. On, February 26, 2008, the Permittee monitored the transects described in Chap. X-C page 5b and provided the monitoring information along with a sketch of the transects for inclusion in the MRP. A deficiency has been identified with the application.

TECHNICAL MEMO

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**TECHNICAL ANALYSIS:**

**OPERATION PLAN**

**SUPPORT FACILITIES AND UTILITY INSTALLATIONS**

Regulatory Reference: 30 CFR Sec. 784.30, 817.180, 817.181; R645-301-526.

**Analysis:**

Strategies for dust control at the Emery Mine site were approved and the Norwest Inc. dust control plan was included in Appendix X.C-3 (reviewed under Tasks #1692, #1762, #1819, and #1929) as the abatement to N03-39-1-1. The associated monitoring program is described in Chap X-C page 5b.

The application rewords the commitment on page 5b to indicate that the transects will be monitored annually and the information will be provided in the annual report. This is acceptable to the Division.

The application also includes the Division's 2004 inspection report as pages 5e through 5f. This is acceptable, although the Division requests that the information provided in the 2004 inspection report be transposed into a Excel spreadsheet table similar to that provided with the amendment. That way, a comparison of the data is made possible. Data collected during each annual inspection would be added to the table, such that each annual report would display data for each transect, from all previous monitoring years.

The first monitoring since 2004 was done on February 26, 2008. The Permittee made an attempt to find and monitor the initial plots. The application provides a sketch of the transects, Chap X-C page 5c. The sketch does not identify the monitoring sites using the currently available global positioning system (GPS) technology. GPS technology is requested, to ensure that the same site is revisited each year. Four years elapsed since the last monitoring, and over that time, site 2A apparently decreased in total vegetative cover by 35%. This may be due to the 60% coal fine cover which is up to 3 mm thick at the site or it may be due to not relocating the original 2A site. The sketch should also include a north arrow and topographic information.

**Findings:**

Prior to approval, the Permittee must provide the following, in accordance with:

TECHNICAL MEMO

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**R645-301-121.300 and R645-301-526.222,** The plan must include the following additions: (1) The application also includes the Division's 2004 inspection report as pages 5e through 5f. This is acceptable, although the Division requests that the information provided in the 2004 inspection report be transposed into a Excel spreadsheet table similar to that provided with the amendment. That way, a comparison of the data is made possible. Data collected during each annual inspection would be added to the table, such that each annual report would display data for each transect, from all previous monitoring years. (2) The application provides a sketch of the transects, Chap X-C page 5c. The sketch does not identify the monitoring sites using the currently available global positioning system (GPS) technology. GPS technology is requested, to ensure that the same site is revisited each year. Four years elapsed since the last monitoring, and over that time, site 2A apparently decreased in total vegetative cover by 35%. This may be due to the 60% coal fine cover which is up to 3 mm thick at the site or it may be due to not relocating the original 2A site. The sketch should also include a north arrow and topographic information.

**RECOMMENDATIONS:**

The submittal is not recommended for approval at this time.